

Please see me OMT *see file*
John Doar
Assistant Attorney General
Civil Rights Division

April 13, 1967

Dorothy Shelton
Research Analyst
Civil Rights Division

Lee v. Macon County Enforcement

I asked Miss Goldia Dargan of HEW about the eight Lee v. Macon County districts which did not receive one of the five letters sent out last Friday. She gave me the following information:

Cullman	Operating under accepted 441
Opelika Clarke County	Hearings have been held in both of these districts and the examiner's decisions give both districts until April 15 to report some progress to OE before the noncompliance decision goes into effect. Miss Dargan said they have not heard anything from either district. I gather if they do not hear anything by the 15th, they are planning to sent letters.
Dale County	Letter not sent because of Justice Department suit.
Muscle Shoals	A hearing has been held and the examiner's decision was that this district is in compliance. The General Counsel's office has prepared an exception to the decision.
Fort Payne Mountain Brook Daleville	These districts are all eligible for 441 status, and negotiations are being conducted. Fort Payne has 59 Negroes, all in white schools; Daleville has 16 Negroes, all in white school; Mountain Brook has no Negroes.

Miss Dargan also said that they plan to cite for hearing the five districts which received letter No. 4 (DeKalb County, Eufaula, Pike County, Talladega County and Walker County). She said they were currently in the Secretary's office for clearance and the notices of opportunity for hearing should be going out in the near future, hopefully early next week.

cc: Barrett
✓ Fiss

Landsberg
Ross

NOTE.—DO NOT USE THIS ROUTE SLIP TO
SHOW FORMAL CLEARANCES OR APPROVALS

DATE

2-21-67

TO:

AGENCY BLDG. ROOM

Mr. Owen Fiss

Special Assistant to the

Assistant Attorney General

- ☐ APPROVAL ☐ REVIEW ☐ PER CONVERSATION
☐ SIGNATURE ☐ NOTE AND SEE ME ☐ AS REQUESTED
☐ COMMENT ☐ NOTE AND RETURN ☐ NECESSARY ACTION
☒ FOR YOUR INFORMATION
☐ PREPARE REPLY FOR SIGNATURE OF

REMARKS:

cc: S.E. Section
Title Pl Unit
Mr. Doar
Mr. Barrett

(Fold here for return)

To

From JERRICK BELL

PHONE

BUILDING

ROOM

962-4783 NORTH HEW

5062

FORM HEW-30 REV. 11/56

ROUTE SLIP

GPO : 1956—O-409506

Memorandum

TO : Pete

DATE: February 20, 1967

FROM : Derrick *B*

SUBJECT: Muscle Shoals School District - Unfavorable Decision

A hearing officer, for the first time, has disagreed with an Office of Education finding that a school district was not in compliance with Title VI. The case involving Muscle Shoals was based in great part on the refusal of that school district to submit an acceptable 441B. A substantial percentage of Negro pupils had been assigned to formerly white schools under a freedom of choice plan but the school board failed to keep earlier promises to close the Negro school (which services elementary and junior high school pupils) even though only 38 Negro pupils continued to attend there. The Office of Education had suggested that at least the 12 pupils above grade 3 be assigned to other schools. The board refused.

At the hearing the board indicated its intention to close the Negro school at the end of the present school year. The board, however, refused to consider a transfer for any student and was refused to make any statement concerning their willingness to hire the 4 remaining Negro teachers after the Negro school was closed. The Department did not make an issue of the 441B at the hearing.

Following the hearing the board did issue a resolution committing itself to closing the Negro school at the end of the present school year. The resolution was silent as to the Negro teachers. Further negotiations with the school board attorney will be made in an effort to obtain a commitment concerning the teachers and the willingness of the school board to sign a Form 441 for next year. If these negotiations are successful it is likely that the General Counsel will not prepare exceptions to the hearing officer's decision.

